IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

LOUIS S. PROSPERI and SUSAN I. PROSPERI,

Plaintiffs,

VS.

2:06cv501 Electronic Filing

TOWNSHIP OF SCOTT, BOARD OF COMMISSIONERS OF TOWNSHIP OF SCOTT, DAVID JASON, individually and in his capacity as Vice President and Commissioner of the Township of Scott, JANET A. BEERHALTER, individually and in her capacity as Commissioner of the Township of Scott, THOMAS M. CASTELLO, individually and in his capacity as Commissioner of the Township of Scott, J. DAVID HENDERSON, individually and in his capacity as Commissioner of the Township of Scott, EILEEN MEYERS, individually and in her capacity as Commissioner of the Township of Scott, JAMES WALTHER, individually and in his capacity as Commissioner of the Township of Scott, JEAN O'TOOLE, individually and in her capacity as Commissioner of the Township of Scott, CRAIG C. STEPHENS, individually and in his capacity as President and Commissioner of the Township of Scott, and LENNON, SMITH, SOULERET **ENGINEERING, INC.,** individually and in its capacity as engineer of the Township of Scott.

Defendants.

MEMORANDUM ORDER

AND NOW, this _____ day of September, 2006, after motions to dismiss or, in the alternative, for a more definite statement were submitted by the defendants, and after a Report and Recommendation was issued by the United States Magistrate Judge, and the parties were granted ten days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by the parties, as well as the plaintiffs' responses to the defendants' objections, and after independent review of the pleadings and the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS ORDERED that the motion to dismiss filed by defendants Scott Township, its Board of Commissioners, and the individually named Commissioners (Document No. 20) is granted as to the plaintiffs' procedural due process claim in Count I of the complaint and as to the plaintiffs' prayer for punitive damages against Scott Township, its Board of Commissioners and the Commissioners named in their official capacities and denied in all other respects, that their alternate motion for a more definite statement (w/Document No. 20) is denied, that the motion to dismiss submitted by defendant Lennon, Smith, Souleret Engineering, Inc. (Document No. 6) is granted as to the plaintiffs' procedural due process claim in Count I of the complaint and as to the prayer for punitive damages against it in its official capacity and denied in all other respects, and that its alternate motion for a more definite statement (w/Document No. 6) is denied.

David Stewart Cercone United States District Judge

cc: Honorable Robert C. Mitchell United States Magistrate Judge

Patrick K. Cavanaugh, Esquire Del Sole Cavanaugh 200 First Avenue The Waterfront Building Pittsburgh, PA 15222

Louis A. Prosperi, Esquire Law Office of Louis A. Prosperi 310 Grant Street Suite 3601 Pittsburgh, PA 15219

Peter Molinaro, Jr., Esquire Dell, Moser, Lane & Loughney 525 William Penn Place Suite 3700 Pittsburgh, PA 15219